

ORIGINAL

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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 TRUSTEES of the MASON TENDERS
 DISTRICT COUNCIL WELFARE FUND,
 PENSION FUND, ANNUITY FUND and
 TRAINING PROGRAM FUND,

and

MASON TENDERS DISTRICT COUNCIL OF
 GREATER NEW YORK, by its Business Manager
 Robert Bonanza,

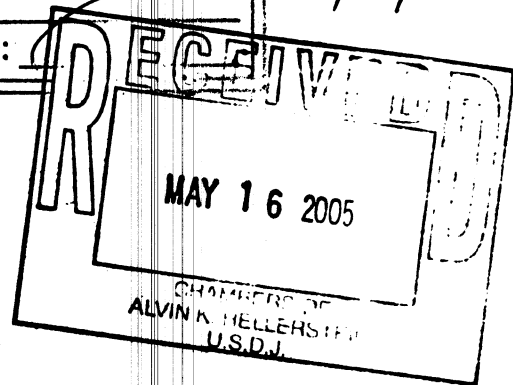
Plaintiffs,

- against -

BEDROCK DEVELOPMENT, INC. and SEAN
 FLAHERTY,

Defendants.
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 DOC #:
 DATE FILED:



05 Civ. 2137 (AKH) [ECF CASE]

JUDGMENT BY DEFAULT

[Handwritten signature]

This action having been commenced by the filing of a summons and complaint on February 15, 2005, and true copies of the summons and complaint having been served upon defendant Bedrock Development, Inc. on February 24, 2005 by Deborah Winn, a licensed process server, by personally delivering true copies thereof to Amy Lesch, an agent of the Secretary of the State of New York, pursuant to Section 306 of the Business Corporation Law of

the State of New York, and true copies of the summons and complaint having been served upon defendant Sean Flaherty on March 8, 2005 by Darryl Green, a licensed process server, by firmly affixing true copies thereof conspicuously on the front door at said defendant's actual place of business, after making multiple attempts to serve defendant Flaherty at that address, and by mailing true copies thereof to defendant Flaherty on March 10, 2005, by first class mail post paid in an envelope addressed to defendant Flaherty at his actual place of business and bearing the legend "personal and confidential," and proofs of service having been filed with the Court on March 21, 2005, and said defendants having failed to answer, appear or otherwise defend in this action within the time permitted by law, there is no just reason to delay the entry of a judgment by default against defendants Bedrock Development, Inc. and Sean Flaherty.

NOW, on motion of Proskauer Rose LLP, attorneys for plaintiffs, by Marguerite Stenson Wynne, Esq., it is

ORDERED AND ADJUDGED, that plaintiff Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund ("Funds") have judgment against defendants Bedrock Development, Inc. and Sean Flaherty, jointly and severally, in the liquidated amount of \$98,798.40, which amount includes principal fringe benefit contributions, tier violation contributions, interest, liquidated damages, audit penalty, costs and attorneys' fees; and it is

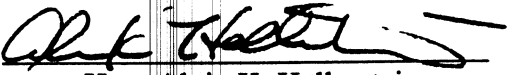

ORDERED AND ADJUDGED, that plaintiff Mason Tenders District Council of Greater New York ("Union") have judgment against defendants Bedrock Development, Inc. and Sean Flaherty, jointly and severally, in the liquidated amount of \$3,079.51, which amount includes principal dues checkoffs and Political Action Committee ("PAC") contributions together with interest; and it is

ORDERED AND ADJUDGED, that defendants Bedrock Development, Inc. and Sean Flaherty, jointly and severally, permit and cooperate in the conduct of an audit of all of defendants' books and records including, but not limited to, all payrolls and payroll sheets, payroll ledgers, computer payroll printouts, daily time records, job location records, Federal tax forms W2, W3, 940, 941, 1096, 1099, 1120s/1120S, 1065 or 1040 Schedule C, State payroll tax forms WRS-2 or NYS-45 (NY) and WR30 (NJ), cash disbursement journals, purchase journals, New York and New Jersey employment records and reports, insurance company reports, supporting checks, general ledgers, ledgers, vouchers, verification of work outside the geographic jurisdiction of the Union, evidence of unemployment insurance contributions, disability insurance premiums, certification of workers compensation coverage, and any other items concerning payroll, as well as the same records of any affiliate, subsidiary, alter ego, joint venture or other related company of defendants doing bargaining unit work, for the period July 1, 2002 to the date of entry of this judgment, by representatives of the plaintiffs, within thirty (30) days after service of a copy of this judgment, pursuant to the Collective Bargaining Agreements between defendants and plaintiff Union for the purpose of ascertaining and verifying the amount of additional fringe benefit contributions, tier violation contributions, dues checkoffs and PAC contributions, if any, due plaintiffs Funds and Union; and it is

ORDERED AND ADJUDGED, that plaintiffs Funds and Union have judgment against defendants Bedrock Development, Inc. and Sean Flaherty, jointly and severally, in such additional amounts found to be due and owing pursuant to the aforesaid audit of defendants' books and records, together with interest, liquidated damages, audit fees, and further costs and further attorneys' fees; and it is

ORDERED AND DECREED, that plaintiffs may amend this judgment to include the additional amounts determined by the aforesaid audit of the books and records of defendants, together with interest, liquidated damages, audit costs, further costs and further attorneys' fees upon fifteen (15) days written notice to defendants.

Dated: New York, New York
May 16, 2005


Hon. Alvin K. Hellerstein,
United States District Judge 

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**